

**REMARKS/ARGUMENTS**

Claims 1, 2, 6-8, and 16-25 are pending.

Claim 10 was rejected under 35 U.S.C. § 101.

Claims 1-3, 6, 9-11, 13 and 14 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 6,704,849 by Steegmans.

Claims 4-5 were rejected under 35 U.S.C. § 103(a) for being unpatentable over Steegmans in view of "Implementation of a Campus-wide Distributed Mass Storage Service: The Dream vs. Reality."

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) for being unpatentable over Steegmans in view of U.S. Patent No. 6,804,690 by Dysert et al.

Claims 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Steegmans in view of U.S. Patent No. 5,832,197 by Houji.

Claims 3-5 and 9-15 have been canceled. The rejections of these claims are therefore moot.

Claim 1 has been amended to further distinguish over the cited art.

Claims 16-25 have been appended. As discussed below, these claims are supported in the specification as originally filed, and in the subsequently filed substitute specification. As to claim 20, the restoring aspect of the present invention recited therein is disclosed in paragraph [81] in the substitute specification.

The present invention is directed to data backup processing. As amended, claim 1 recites securing a first path and a second path for performing the backup, each path designating among other components a storage component. Backup processing proceeds along the first path wherein source data is backed up according to a backup command set. The backup command set comprises a plurality of backup commands, each of which serves to backup a portion of the source data. Thus, portions of the source data are backed up to a storage component designated by the first path by executing each of the backup commands. If an error is detected in the first path during a backup operation, then the second path is selected to complete the backup process. In particular, the remaining portion of the backup command set is executed by executing those

backup commands which had not already been executed. An embodiment of this aspect of the present invention is illustrated in Figs. 11 and 12, and discussed in the specification as originally filed and in a subsequently filed substitute specification (see Preliminary Amendment filed June 122, 2002) beginning at paragraph [67]. No new matter has been added.

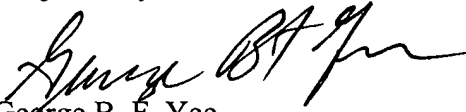
Steegmans describes a backup procedure from column 4, line 62 to column 5, line 15. However, Steegmans does not disclose a backup command set that can partially execute with respect to a first path and partially execute with respect to a second path. Steegmans does not anticipate or suggest the present invention as recited in the pending claims.

### CONCLUSION

In view of the foregoing, all claims now pending in this Application are believed to be in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:cmm  
60415354 v1